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Jeff Beno

**PATENT**

Atty. Docket No. 30485-6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

HARRY EDWARD DEMPSTER

Serial No.: 10/685,831

Filed: October 14, 2003

For: BREAKWATER

Group Art Unit: 3673

Examiner: To be assigned

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.99, Applicant brings to the attention of the Examiner the references identified on the attached Form PTO/SB/08a which the Examiner may consider to be material to examination of the subject application.

In accordance with 37 CFR §1.98, as amended, no copies of any cited issued patents or pending applications are enclosed. Applicant respectfully requests that the Examiner consider the cited references and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the cited documents constitute "prior art". Applicant reserves the right to present to the Patent and Trademark Office relevant facts and law regarding the appropriate status of such documents.

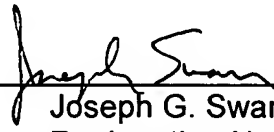
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the cited references, should one or more of the references be applied against the claims of the present application.

As this submission is being made prior to the first Office Action on the merits, it is believed that no fees are due in connection herewith. If there are any additional fees due in connection with the filing of this paper that have not been accounted for in this paper or in the accompanying papers, please charge the fees to Deposit Account No. 13-3735. If an extension of time under 37 C.F.R. §1.136 is required for the filing of this paper and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to the Deposit Account. A duplicate copy of this page is enclosed for that purpose.

Respectfully submitted,

**MITCHELL, SILBERBERG & KNUPP LLP**

Dated: November 3, 2004

By  \_\_\_\_\_  
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

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**Complete if Known**

Application Number	10/685,831
Filing Date	October 14, 2003
First Named Inventor	Harry Edward Dempster
Art Unit	3673
Examiner Name	To be assigned
Attorney Docket Number	30485-6

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	us-5,740,753	04-21-1998	Theophanis	
	2	us-5,524,549	06-11-1996	Morris	
	3	us-5,421,282	06-06-1995	Morris	
	4	us-4,318,361	03-09-1982	Sluys	
	5	us-4,265,193	05-05-1981	Sluys	
	6	us-3,490,407	01-20-1970	Dempster	
	7	us-3,464,212	09-02-1969	Yamagata et al.	
	8	us-3,426,109	02-04-1969	Dempster	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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